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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/123,123 | 07/27/1998 | KOICHIRO WATANABE | SONY-P8776 | 5183 |

22850 7590 06/17/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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| EXAMINER |
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GRIER, LAURA A

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| ART UNIT | PAPER NUMBER |
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2644

DATE MAILED: 06/17/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/123,123

Applicant(s)

WATANABE, KOICHIRO

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 24 and 26-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 20-22, 24, and 27-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Newlin et al., U. S. Patent No. 5887821.

Regarding **claim 20**, Newlin et al. (herein, Newlin) discloses a multimedia input and control apparatus and method for multimedia communications (figure 1). Newlin discloses a telephone (185) and a PC (190) outputs control signals such as various DTMF tones and programmed control signals to a user/audio interface which may be transmitted via various transmission mediums (col. 5, lines 17-49), which reads on an acoustic control signal transmission apparatus for transmitting an acoustic control signal corresponding to a control instruction, wherein is inherent that an audio signal is transmitted thereto as evident by the fact that the user/audio interface (135) provides audio input and output which receives the control signals; a multimedia access apparatus (110) coupled with multimedia networks and video displays (210, 220, 230, and 170), reads on an apparatus to be controlled based upon the control and control instructions, wherein it is inherent that the apparatus outputs a sound wave as evident

by the fact that audio is received and output in the multimedia access apparatus (col. 3, lines 17-59).

Regarding **claim 21**, Newlin discloses everything claimed as applied above (see claim 20). Further, Newlin's disclosure inherently supports a control instruction inputs means, an acoustic control signal generating means, and signal outputting means as evident of the fact that the various DTMF tones controls signals and programmed or programmable control signals are transmitted from a telephone and/or PC to the user/audio interface of the multimedia access apparatus, and the various transmission mediums (col. 5, lines 17-49);

Regarding **claim 22**, Newlin discloses everything claimed as applied above (see claim 20). Further, Newlin's disclosure inherently supports a signal input means, and control instruction specifying means, and a means to be controlled as evident of the fact that controls and audio signals are output to a processor arrangement (143) which includes microprocessor system (140) coupled to the user/audio interface (135) and various interface (115), which processes and formats the audio for further transmission (col. 31-59).

Regarding **claim 24**, Newlin discloses a multimedia input and control apparatus and method for multimedia communications (figure 1). Newlin discloses a telephone (185) and a PC (190) outputs control signals such as various DTMF tones and programmed control signals to a user/audio interface, which inherently reads generating an acoustic control signal (135), and transmitting an acoustic control signal corresponding to a control instruction as supported by the various transmission mediums (col. 5, lines 17-49); inherent means of extracting the acoustic control signal and executing a control signal as evident by as that controls and audio signals are output to a processor arrangement (143) which includes microprocessor system (140) coupled to

the user/audio interface (135) and various interface (115), which processes and formats the audio for further transmission (col. 31-59), wherein a time division transmission is inherent based upon the multiplexing capability of the multimedia access apparatus in respect to the control signals/functions (col. 4, lines 64-col. 5, lines 1-16).

Regarding **claims 27 and 28**, Newlin disclose everything claimed as applied above (see claim 24). Newlin further discloses the transmission of the controls signals via various transmission mediums (col. 5, lines 17-49), which reads on an acoustic control signal being transmitted via signal transmission path and radio wave, respectively.

Response to Arguments

3. Applicant's arguments, see pages 17-22, filed 04/13/04, with respect to the rejection(s) of claim(s) 20-22, 24, and 27-28 under 102(b) have been fully considered and are persuasive. Therefore, the art rejection and 112 rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Newlin, which disclose the transmission of audio signals and acoustic controls signal for audio output on a receiving end, therein in respect to the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Art Unit: 2644

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

June 10, 2004

MINSUN OH HARVEY
PRIMARY ESSENTIAL